

**United States Bankruptcy Court
District of Massachusetts, Boston Division**

IN RE:

DeSantis, Joseph

Debtor(s)

Case No. 1:19-bk-13222

Chapter 13

**ACKNOWLEDGMENT BY DEBTOR(S) AND ATTORNEY FOR DEBTOR(S) OF RESPONSIBILITIES IN
CHAPTER 13 CASES**

It is important for both the chapter 13 debtor(s) and the attorney for the chapter 13 debtor(s) to understand their responsibilities. To foster such understanding, the following provisions set forth responsibilities for a successful completion of a chapter 13 case. This Acknowledgment of these responsibilities is not the written agreement required by MLBR Appendix 1, Rule 13-7(c). Please be sure that the debtor(s) and attorney have also executed such an agreement.

The parties acknowledge by their signatures below that they have read and that they understand the following provisions.

BEFORE THE CASE IS FILED

The **DEBTOR(S)** agrees to:

- 1) Discuss with your attorney your objective in commencing your chapter 13 case after considering filing a case under chapter 7 or chapter 11 and inform your attorney of any imminent deadlines.
- 2) Provide your attorney with documentary evidence of your income from all sources and the value of assets in which you have an interest, together with a copy of any declaration of homestead, as well as proof of insurance on any real property or automobiles in which you have an interest, a copy of your last federal tax return, and any other documents that your attorney believes that the trustee might reasonably request in order to assess whether your proposed chapter 13 plan should be confirmed.
- 3) Promptly respond to all communications from your attorney.
- 4) Cooperate with your attorney in preparing all required bankruptcy forms and other required documents.
- 5) Obtain a Certification of Credit Counseling.
- 6) Review all drafts of documents and promptly advise your attorney of any corrections or additions that may be required before signing the petition, schedules, and chapter 13 plan.

The **DEBTOR(S)** understands the following and that the Debtor(s) will:

- 1) Meet in person with your attorney to review your debts, assets, income, and expenses, as well as your objectives in commencing a chapter 13 case.
- 2) Be provided with a fully executed copy of an Engagement Letter or Fee Agreement.
- 3) Be advised of the requirements for obtaining a credit counseling certificate before the case is filed and the necessity of completing the financial management course in order to obtain a discharge.
- 4) Be required to provide documentation about household income, including pay advices and tax returns, and be advised about the on-going need to both timely file tax returns and pay post-petition taxes.
- 5) Be required to provide documents to your attorney such as deeds, mortgages, tax returns, paystubs, and/or other information that may be needed for your attorney to timely prepare, review, and file the petition, statements, schedules, and chapter 13 plan.

- 6) Sign your petition and chapter 13 plan and other documents requiring your signature after verifying with your attorney that the information is consistent with documentation provided (redacted where appropriate of all personal identifiable information).
- 7) Be advised how, when, and where to make the chapter 13 plan payments to the trustee, and, if applicable under the chapter 13 plan, be advised of the obligation to continue making direct payments to secured creditor(s), without interruption, and the likely consequences for failure to do so.
- 8) Be made aware of the requirement to attend the 11 U.S.C. § 341 meeting of creditors and the consequences of failing to appear.
- 9) Be required to maintain current and sufficient property and liability insurance if you own any real estate, automobiles, or other valuable personal or business assets.
- 10) Be aware that some claims will accrue interest after the case is filed and others may not be discharged upon completion of the chapter 13 plan, such as student loans.

AFTER THE CASE IS FILED:

The DEBTOR(S) agrees to:

- 1) Inform your attorney of any changes to your address, telephone number, or other contact information.
- 2) Timely make chapter 13 plan payments to the trustee as instructed by your attorney or the trustee.
- 3) Timely make payments directly to secured creditor(s) pursuant to your chapter 13 plan, if applicable.
- 4) Inform your attorney promptly if any of the following circumstances arise:
 - a) you lose your job or have other financial problems (your attorney may be able to have the chapter 13 plan payments reduced or suspended in those circumstances);
 - b) you are sued or are contemplating filing a lawsuit or settling a pending lawsuit;
 - c) you want to buy, sell, or refinance any real or personal property;
 - d) you need to borrow money (e.g., to replace a vehicle);
 - e) you receive a tax refund, bonus, or other unexpected funds;
 - f) you have suffered a loss with respect to any property (e.g., automobile accident, house fire); and
 - g) you experience other circumstances that may require modification of your chapter 13 plan, such as a divorce or the death of a co-debtor spouse;
- 5) Complete the required instructional course in personal financial management.
- 6) If you have a domestic support obligation, advise your attorney of your payment obligations and the contact information for the recipient of the domestic support obligation, and be aware that you must make all required payments to be eligible for a discharge.
- 7) Understand that your attorney cannot guarantee the outcome of your chapter 13 case and understand that the Court might make a ruling adverse to your perceived interests.
- 8) Comply with all orders of the Bankruptcy Court.

The ATTORNEY understands that services to be delivered include the obligation to:

- 1) Provide legal services as necessary for the administration of the case consistent with MLBR 9010-2 and MLBR Appendix 1, Rule 13-6, and all other applicable federal and local rules of bankruptcy procedure.

- 2) Appear at the 11 U.S.C. § 341 meeting of creditors with the debtor(s) and inform the debtor(s) as to the date, time, and place of any meeting(s) of creditors.
- 3) Where appropriate, prepare, file, and serve motions and notices of hearings in connection with assisting the debtor(s) in achieving the goals of the chapter 13, such as filing modified chapter 13 plan(s), amended schedules and statements, motions to extend or impose the automatic stay, motions for turnover of repossessed property necessary for an effective reorganization, motions to avoid judicial liens on real or personal property, motions to deem a mortgage current, applications s to engage brokers, appraisers or special counsel, and motions for authority to sell property or incur debt.
- 4) Review claims filed in the case, object to improper or invalid claims, or file surrogate claims, if warranted, based upon documentation provided by the debtor, and review and address Notices of Mortgage Payment Change, Notices of Fees, Expenses, and Charges, and Responses to Notices of Final Cure.
- 5) Respond to reasonable inquiries to assist the debtor(s) in achieving the objectives of the chapter 13 case.
- 6) When required, prepare, file, and serve an Application(s) for Compensation.

The attorney and the debtor(s) acknowledge that (i) they have clearly stated in writing the fees to be charged for representing the debtor(s) in the chapter 13 case, (ii) neither the “no look” fee set forth in MLBR 13-7(e) nor any other amount paid by, or on behalf of the debtor(s) for services to be rendered in connection with a chapter 13 case, shall be considered to be a “flat fee” if reasonable fees incurred by the attorney for the debtor(s) for services actually rendered prior to or after the filing of the petition do not exceed compensation paid by or on behalf of the debtor(s), (iii) the debtor(s) may be entitled to a refund of some or all fees paid or retainer given under certain circumstances in the event that services rendered are not consistent with the time and labor expended, the novelty and difficulty of the questions involved, and/or the skill requisite to perform the services efficiently and in accordance with applicable rules and law, and (iv) the debtor(s) is entitled to seek review by the Court of the reasonableness of any fees or expenses.

The signatures below reflect that the debtor(s) understands the responsibilities set forth above and that the attorney for the debtor(s) acknowledges responsibility to comply with all applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Massachusetts, including the responsibilities set forth above. By signing below, the parties acknowledge that they have read and understand the foregoing provisions. The debtor(s) additionally acknowledges receiving an executed copy of this form.

Debtor: /s/ Joseph DeSantis

Date: **October 11, 2019**

Joint Debtor: _____ Date: _____

Signature of Attorney for the Debtor(s): /s/ Lawrence L. Hale

Date: **October 11, 2019**